

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION
COLUMBUS, OHIO**

**JENNIFER AUGENSTEIN,
733 Pole Lane Road
Marion, Ohio 43302,**

Plaintiff,

-VS-

**HETZEL'S OVERLAND
TRANSPORT, INC.
815 South Maple Street
Effingham, Illinois 62401**

and

**WILLIAM FIGGINS,
462 County Road 600 North
Neoga, Illinois 62447,**

Defendants.

[illegible]

Case No. _____

Judge _____

Magistrate Judge _____

NOTICE OF REMOVAL OF
DEFENDANTS HETZEL'S OVERLAND TRANSPORT, INC.,
AND WILLIAM FIGGINS

Hetzel's Overland Transport, Inc., and William Figgins, Defendants in an action instituted in the Court of Common Pleas, Franklin County, Ohio, Case No. 20CV008389, now come before this Court upon Notice of Removal pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1446, and respectfully show that:

1. An action was commenced by Plaintiff Jennifer Augenstein, by filing a Complaint in the Court of Common Pleas, Franklin County, Ohio on December 31, 2020, entitled: *Jennifer Augenstein v. Hetzel's Overland Transport, Inc., et al.*, Case No. 20CV008389 (hereinafter referred to as “the Action”). In this Complaint, Plaintiff named Hetzel's Overland Transport, Inc.,

and William Figgins as Defendants. A copy of Plaintiff's Complaint is attached hereto as Exhibit "A."

2. Service of Plaintiff's Complaint in the Action was perfected upon Defendant Hetzel's Overland Transport, Inc., on January 12, 2021, and upon Defendant William Figgins on January 27, 2021. Accordingly, this removal is timely pursuant to 28 U.S.C. §1446(b).

3. The accident that is the subject matter of Plaintiff's Complaint occurred in Marion County, Ohio, on January 2, 2019.

4. Plaintiff is a resident of the State of Ohio.

5. Defendant William Figgins is an individual and a resident of the State of Illinois. Defendant Hetzel's Overland Transport, Inc., is an Illinois corporation, with its principal place of business located in Effingham, Illinois.

6. Plaintiff has alleged in her Complaint that she sustained severe bodily injury, a permanent and substantial physical deformity, the loss of use of a limb, pain and suffering, and the loss of at least one bodily organ system. She further alleges she will continue to incur future pain and suffering, requiring her to receive and continue to receive medical care and attention, and that she has incurred a loss of earnings and impaired earning capacity, all of which were the direct and proximate result of the negligent acts of Defendants.

7. If the claims as alleged by Plaintiff are proven, the amount of potential damages are likely to exceed \$75,000, exclusive of costs and interest.

8. The subject Action is a civil action involving Plaintiff who resides in the State of Ohio, an individual Defendant who resides in the State of Illinois and a corporate Defendant that is an Illinois corporation, with its headquarters in Effingham, Illinois.

9. Accordingly and based upon the above, diversity of citizenship is complete, and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. As such, the District Courts of the United States have original jurisdiction over this matter pursuant to 28 U.S.C. §1332. The subject action therefore may be removed from State Court to this Court, pursuant to 28 U.S.C. §1441(a).

WHEREFORE, Petitioners and Defendants Hetzel's Overland Transport, Inc., and William Figgins pray that the Action now pending against it in the Court of Common Pleas of Franklin County, Ohio, Case No. 20CV008389, be removed therefrom to this Court.

Respectfully submitted,

JURCA & LASHUK, LLC

Dated: February 11, 2021

/s/ Jeffrey J. Jurca

Jeffrey J. Jurca (0012107)

Beth Anne Lashuk (0063144)

Sean P. Casey (0086378)

141 East Town Street, Suite 202

Columbus, Ohio 43215

(614) 846-9228; (614) 846-9181 fax

jjurca@jurcalashuk.com

blashuk@jurcalashuk.com

scasey@jurcalashuk.com

*Attorneys for Defendants Hetzel's Overland
Transport, Inc., and William Figgins*

CERTIFICATE OF SERVICE

The undersigned does hereby certify that the foregoing was sent via the Court's electronic filing system, this 11th day of February, 2021 to the following:

Curtis M. Fifner, Esq.
Donahey & Defossez
495 South High Street, Suite 300
Columbus, Ohio 43215
Attorney for Plaintiff Jennifer Augenstein

/s/ Jeffrey J. Jurca
Jeffrey J. Jurca (0012107)